

REMARKS

I. Status of the claims

Claims 1, 3, 5, 6, 9, 10, and 21-54 are pending. Claims 1 and 6 have been amended. Claim 1 was amended to incorporate the feature(s) of claim 34. Accordingly, claim 34 has been cancelled without prejudice or disclaimer. Claims 11-18 have been canceled in this paper without prejudice or disclaimer.

II. Telephonic interview

The undersigned and the Applicant wish to thank Examiner DiRamio for the cordial and productive telephonic interview of October 28, 2008. The Examiner's helpful comments and suggestions were instrumental in preparing this Amendment. During the interview, Applicant's representative and the Examiner discussed U.S. Patent No. 6,534,320. Applicant's representative also discussed claim 34, which was indicated as reciting allowable subject matter in the instant Office Action, and whether the features recited in claim 34, along with the features recited in claim 26, from which claim 34 depends, need to be incorporated into independent claim 1 in order for claim 1 to recite the "allowable subject matter." Examiner DiRamio agreed that the allowable subject matter of claim 34 was not related to the features recited in claim 26. Therefore, the features recited in claim 26 did not need to be incorporated into independent claim 1, along with the features recited in claim 34.

III. Withdrawn objections and rejections

Applicant thanks the Examiner for indicating that all previous rejections under 35 U.S.C. §§ 102 and 103 are withdrawn in view of Applicant's amendments and arguments filed April 1, 2008.

IV. Claim objections

The Examiner has objected to claims 1 and 6 because they contain certain informalities. Specifically, claim 1 recites "discreet," where it should recite "discrete." In addition, claim 6 recites "immobilised," where it should recite "immobilized." Applicant has overcome these objections by way of the amendments to those claims. Reconsideration and withdrawal of the objections are respectfully requested.

V. *The rejections under 35 U.S.C. § 112, second paragraph should be withdrawn*

Claims 1 and 6 stand rejected under 35 U.S.C. § 112, second paragraph for the reasons set forth on page 4 of the Office Action. Applicant has overcome the rejection of claims 1 and 6 by way of the amendments to those claims. Specifically, Applicant has amended claim 1 to recite that the affinity chromatography strip has a “planar surface” and a “longitudinal axis.” Accordingly, the “planar surface” recited in the body of the claim has antecedent basis in the claim preamble. Applicant has also amended claim 6 to specify that the first immobilized component possesses properties that result in attraction of the flowable component. Accordingly, claim 6 is quite clear as to which of the immobilized components has those properties. Reconsideration and withdrawal of the rejections under 35 U.S.C. § 112, second paragraph are respectfully requested.

VI. *The rejections under 35 U.S.C. §§ 102(e) and 103(a) should be withdrawn*

Claims 1, 3, 5, 6, 9, 10, 21, 23-25, 36-45, and 54 stand rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 6,534,320 to Ching et al. for the reasons set forth on pages 4-6 of the Office Action. Claim 22 stands rejected under 35 U.S.C. § 103(a) over Ching and U.S. Patent No. 6,723,500 to Yu for the reasons set forth on pages 7 and 8 of the Office Action. Claims 26, 35, and 46 stand rejected under 35 U.S.C. § 103(a) over Ching in view of Publ. U.S. Appl. No. 2003/0207442 to Markovsky et al. for the reasons set forth on pages 8-9 of the Office Action. Claims 27-31 and 47-51 stand rejected 35 U.S.C. § 103(a) over Ching in view of Markovsky and further in view of U.S. Patent No. 7,329,738 to Lee et al. for the reasons set forth on pages 9 and 10 of the Office Action. Claims 32 and 52 stand rejected under 35 U.S.C. § 103(a) over Ching in view of Markovsky and further in view of U.S. Patent No. 5,731,157 to Miller et al. for the reasons set forth on pages 10 and 11 of the Office Action. Finally, claims 33 and 53 stand rejected under 35 U.S.C. § 103(a) over Ching in view of Markovsky and further in view of Publ. U.S. Appl. No. 2002/0024195 to Hubscher et al. for the reasons set forth on pages 11 and 12 of the Office Action.

Applicant respectfully points out that Ching alone, or in combination with Yu, Markovsky, Lee, Miller, and/or Hubscher, does not teach or otherwise suggest each and every feature recited in amended claim 1, which now incorporates the feature(s) of allowable claim 34. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejections under 35 U.S.C. §§ 102(b) and 103(a) over the cited references.

VII. *Rejoinder*

In the Notice of Non-Compliant Amendment, the entry of the text of claims 11-18 was required to determine rejoinder and allowance. Applicant offers that this requirement has been rendered moot by the cancellation of claims 11-18 in this paper. Applicant reserves the right to file the canceled subject matter in a divisional application.

VIII. *Conclusion*

In view of the foregoing, it is believed that this application is now in condition for allowance, and a Notice thereof is respectfully requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 955-1500. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

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